

Appl. No. 10/708,694  
Amdt. dated December 2, 2004  
Reply to Office action of September 07, 2004

### **REMARKS/ARGUMENTS**

1. **Rejection of claims 6, 9-11 under 35 U.S.C. 103(a) as being unpatentable over Yu et al. (6,764,884):**

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Claim 6 is amended to overcome this rejection. Specifically, the limitation of "said semiconductor core has a first lattice constant that mis-matches a second lattice constant of said strained epitaxy layer" is added. This amendment is fully supported in claim 7. No new matter is entered.

In US 6,764,884, Yu et al. disclose a method of forming a FINFET device. However, Yu et al. fail to teach or suggest the limitation of "the semiconductor core has a first lattice constant that mis-matches a second lattice constant of said strained epitaxy layer" recited in claim 7 of the present application. In addition, the applicant notes that claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as the examiner has stated. Thus, the applicant asserts that the amended claim 6 including "said semiconductor core has a first lattice constant that mis-matches a second lattice constant of said strained epitaxy layer" should be patentable over Yu et al. Claims 9-11 are dependent on claim 6 and should be allowed if claim 6 is allowed.

Reconsideration of claims 6 and 9-11 is politely requested.

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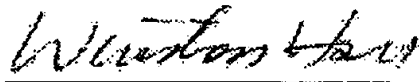
**2. Objection to claims 7 and 8 as being dependant upon a rejected base claim:**

5        Claims 7 and 8 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The applicant notes this allowance, and believes the limitation included in claim 7 suffices for differentiating the claimed invention from the cited prior arts. Thus, the limitation originally recited in claim 7 has been added  
10        to claim 6, and claim 7 is cancelled. Reconsideration of claim 8 is politely requested in view of the amendment made to claim 6.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,



Date: December 02, 2004

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